THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 26826 of 2001

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Dated 08th August, 2005

Between:

Attada Appala Swamy Naidu, son of late Ram Naidu, 85 years, presently residing at Lalithanagar, Visakhapatnam.

PETITIONER

AND

1. The District Collector, Vizianagaram District, Vizianagaram and two others.

RESPONDENTS.

ORDER:

This writ petition is filed by Attada Appala Swamy Naidu, Ex-Service man with a prayer to issue writ, order or direction, more particularly a writ of mandamus, declaring the action of the respondents in not allotting the alternative lands to him to the extent of Ac.5.27 cents is illegal and arbitrary.

The writ petitioner is Ex-Service man. Initially, an extent of Ac.5.27 cents in Survey No.341 of Polipelli village of Bheemunipatnam Taluk was assigned to him vide proceedings D.R.No.11/76.B3 dated 15-3-1967. Subsequently, same land was assigned to some other person namely Mr. P.Baburao. Therefore, the writ petitioner submitted an application to the respondents to provide alternative land. When the 1st respondent gave a deaf year to the representation, he filed writ petition in W.P.No.6134 of 1995 and the said writ petition came to be disposed of with the following direction:

> "In the circumstances, I direct the third respondent to consider and dispose of the application of the petitioner said to have been filed before the third respondent on 30-10-1993 within a period of three months from the date of receipt of a copy of this order."

It is the grievance of the writ petitioner that his application for seeking allotment of alternative lands has not been considered so far and therefore, he filed the present writ petition seeking direction to the respondents to consider his representation for providing alternative land to an extent of Ac.5.27 cents.

Heard the learned counsel for the petitioner and the learned Government Pleader for revenue appearing on behalf of the respondents.

Since the writ petitioner is an Ex-service man and his application for allotment of alternative land is pending, there is every obligation on the party of the respondents to consider his application and pass appropriate orders.

Accordingly, the writ petition is disposed of directing the respondents to consider the application of the petitioner and pass appropriate orders within four weeks from the date of receipt of a copy of this order.

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(B.SESHASAYANA REDDY, J)

Dated 08th August, 2005

Dvs

HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

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